

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CIVIL NO. 25-417 (DSD/ECW)

Desiree Knight,

Plaintiff,

v.

ORDER

Minneapolis Public Schools,

Defendant.

This matter is before the court upon the application to proceed without prepayment of fees on appeal by plaintiff Desiree Knight.

A litigant who seeks to be excused from paying the filing fee for an appeal may apply for IFP status under 28 U.S.C. § 1915. See also Fed. R. App. P. 24(a). To qualify for IFP status, the litigant must demonstrate that he cannot afford to pay the full filing fee. 28 U.S.C. § 1915(a)(1).

As previously determined, ECF No. 3, Knight is financially eligible for IFP status. IFP status will be denied, however, if the court finds that the litigant's appeal is not taken in "good faith." 28 U.S.C. § 1915(a)(3). Good faith in this context is judged by an objective standard and not by the subjective beliefs of the appellant. Coppedge v. United States, 369 U.S. 438, 444-45 (1962). To determine whether an appeal is taken in good faith,

the court must decide whether the claims to be decided on appeal are factually or legally frivolous. Id. at 445. An appeal is frivolous, and therefore cannot be taken in good faith, "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989).

For the reasons stated in the order dismissing this case without prejudice, ECF No. 23, the court finds that petitioner's appeal is frivolous. As a result, the appeal is not considered to be taken in good faith for purposes of 28 U.S.C. § 1915(a)(3), and the IFP application will be denied.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that:

1. The application to appeal in forma pauperis [ECF No. 28] is denied; and
2. The motion to appoint guardian ad litem and counsel [ECF No. 25] is denied as moot.

Dated: April 29, 2025

s/David S. Doty
David S. Doty, Judge
United States District Court